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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/714,711	11/17/00	DOREST	H

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PM82/0410

EXAMINER

JOHNSON, B

ART UNIT	PAPER NUMBER
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3634

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DATE MAILED: 04/10/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/714,711

Applicant(s)

Dorest

Examiner

Blair M. Johnson

Group Art Unit

3634



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-18 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-18 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3623

1. The drawings are objected to because in Fig. 4, numeral 68 does not have a lead line to it's disclosed structural element. Also, in Fig. 3, numeral 82 does not indicate the window, as disclosed. Correction is required.

2. Claims 3-9 and 11-18 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The intermediate portions is not understood. It does not appear from both the drawings and the specification that the base member has an intermediate portion.

3. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There are numerous errors in the claims. For example, Applicant appears to use both "base member" and "base support member" to depict the same element. In claim 3, it is not clear if "an opening", line 8, is the same as "an opening" in claim 1, line 3. In claim 10, "so that the first tracking member can be moved", lines 9-10, is not understood. In line 15, "the first tract member" is ambiguous.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruby et al.

The garage door is only functionally recited and is therefore not given weight. In view of this reading of the claims, the claims are merely drawn to a sliding, single or double hung window.

Art Unit: 3623

The claims are met as best understood in view of the indefiniteness discussed in paragraph 2.

(Note: while the claims do not include the garage door, it is well established that putting screen windows with glass sashes in garage doors is known.)

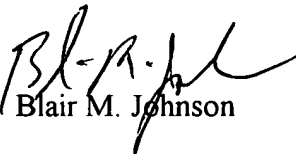
6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6-9 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruby et al.

The use of plexiglass in windows is well known and it would have been obvious to replace the glass in the Ruby et al windows with plexiglass so as to render them more damage resistant.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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Art Unit 3634

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